

# Planning and Development (Remission of Lease Variation Charges for Community Purpose—Health Services) Determination 2011 (No 1)

Disallowable instrument DI2011–320

made under the

**Planning and Development Act 2007, s 278B (When commissioner must remit lease variation charge—community purpose)**

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## 1 Name of instrument

This instrument is the *Planning and Development (Remission of Lease Variation Charges for Community Purpose—Health Services) Determination 2011 (No 1)*.

*Note* Terms used in this instrument have the same meaning that they have in the *Planning and Development Act 2007* (see Legislation Act, s 148). For example, the following terms are defined in the *Planning and Development Act 2007*, dict:

- chargeable variation
- gross floor area
- lease variation charge
- nominal rent lease.

## 2 Community purpose—Act, s 278B (2)

I, the Minister for the Environment and Sustainable Development, determine the provision of health services as a community purpose.

## 3 Remission of lease variation charges—certain health services variations—Act, s 278B (3)

- (1) This section applies to a chargeable variation of a nominal rent lease if—
- (a) the only effect of the variation, and any other chargeable variation approved under the development application for the variation (other than a consolidation of the land under the lease with another lease), is to—
- (i) authorise the use of the land under the lease for a health facility;  
or

- (ii) authorise the use of the land under the lease for a health facility and increase or limit the maximum gross floor area of a building permitted under the lease for use as a health facility; or
    - (iii) increase the maximum gross floor area of a building permitted under the lease for use as a health facility; and
  - (b) the lessee shows in writing that the operation of the health facility is fully or partly funded under the GP Development Fund.
- (2) I, the Treasurer, determine the amount of the lease variation charge for the chargeable variation to be remitted is an amount equal to 100% of the charge.
- (3) In this section:

*GP Development Fund* means the funding program established in the ACT Government's 2009/2010 budget and administered by the ACT Health Directorate for the development of the general practice workforce in the ACT.

*health facility*—see the territory plan (13 Definitions).

#### **4 Remission of lease variation charges—other health services variations—Act, s 278B (3)**

- (1) This section applies to a chargeable variation of a nominal rent lease that authorises development for the community purpose mentioned in section 2, other than a variation mentioned in section 3.
- (2) I, the Treasurer, determine the amount of the lease variation charge for the chargeable variation to be remitted is an amount equal to 0% of the charge.

#### **5 Expiry**

This instrument expires on 30 June 2013.

Simon Corbell  
Minister for the Environment and Sustainable Development  
13 December 2011

Andrew Barr  
Treasurer  
14 December 2011